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Appln. No. 10/753,834
Docket No. 14XZ125897/GEM-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/753,834 : Confirmation No.: 6806
Applicant: Patrick Chretien : Group Art Unit: 2882
Filed: January 8, 2004 : Examiner: Susecki, Krystyna
Docket No.: 14XZ125897/GEM-0114 :

For: METHOD OF ADJUSTING THE EMISSION RATE OF RADIATION FROM A
SOURCE OF RADIATION

November 11, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for
Allowance presented in the Notice of Allowance dated August 30, 2005.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being ~~mailed~~ facsimile transmitted to the USPTO (571)273-2885
~~mailed~~ addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 the
United States Patent and Trademark Office, on the date shown below.

Patrick DiGregorio
Name


Signature

November 16, 2005
Date



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The Examiner remarks that Claims 1-13 are allowed because Claims 1, 12 and 13 contain allowable subject matter for *at least the reason* that the prior art of record fails to teach or fairly suggest the claim elements noted in Paper 082605, page 2. Emphasis added.

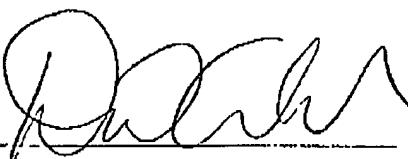
While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks suggest or state that certain limitations or combinations not found in the prior art of record are or may be present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons may imply that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited.

Respectfully submitted,

CANTOR COLBURN LLP

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